

### **AMENDMENTS TO THE DRAWINGS**

The drawing sheets attached in connection with the above-identified application containing Figure(s) 9(b-e), 10, 12, 13, 15, 16, 17 and 19 are being presented as a new formal drawing sheet or sheets to be substituted for the previously submitted drawing sheet or sheets. The drawing figures have been amended to add the SEQ ID NOs. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and these remarks.

Claims 1, 4, 5, 6, 7, 8 and 9 are amended currently. Upon entry of this response, therefore, claims 1 and 4—9 will be pending.

Applicant acknowledges, with thanks, the examiner's withdrawal of the previous restriction requirement. Accompanying this response are (i) revised figures and (ii) an English translation of applicant's Japanese priority document. Also, (iii) claims 6 – 9 are revised to obviate the stated objection for improper multiple dependency.

Thus, applicant has addressed each matter raised in the action, aside from the art rejections detailed on pages 4 – 9. As to the latter, the stated rationale for the Section 102(a) rejection over GenBank accession No. AB127601 is inapposite in view of applicant's Section 119 date, perfected through the above-mentioned submission of a translated priority document. By the same token, the stated basis for the Section 102(b) rejection over U.S. patent No. 5,164,305 is vitiated by the replacement of "represented by," in amended claims 3 and 5, by the preposition -- of --. Accordingly, applicant submits that the pending anticipation rejections should be withdrawn.

Regarding the pending Section 103(a) rejections, the examiner contends that it would have been obvious, in light of Jaurin *et al.* (1982), to modify prior disclosures of a "TipA promoter," which she finds in each of the '305 patent and Takano *et al.* (1995), thereby to obtain a "mutated TipA gene promoter" essentially as prescribed in claims 1, 2, and 4 respectively. Without acquiescing to this reasoning and without prejudice or disclaimer, applicant has chosen to advance prosecution by incorporating the salient recitations of canceled claims 2 and 3 into claim 1.

Since the action does not reject claim 3 on obviousness grounds, it necessarily follows that amended claim 1 likewise should be deemed to meet the requirements of Section 103(a).

Accordingly, withdrawal is requested of the pending obviousness rejection against claim 1 and dependent claim 4.

Applicant submits that the present application is in condition for allowance. An early indication to this effect is requested. Examiner Joike is invited to contact the undersigned directly, should she feel that any point requires further consideration.

The Commissioner also is authorized to charge any additional fees, which may be required under 37 CFR §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extension is needed for timely acceptance of submitted papers, applicant hereby petitions for such extension under 37 CFR §1.136 and authorizes payment of the relevant fee(s) from the deposit account.

Respectfully submitted,

Date 29 July 2006

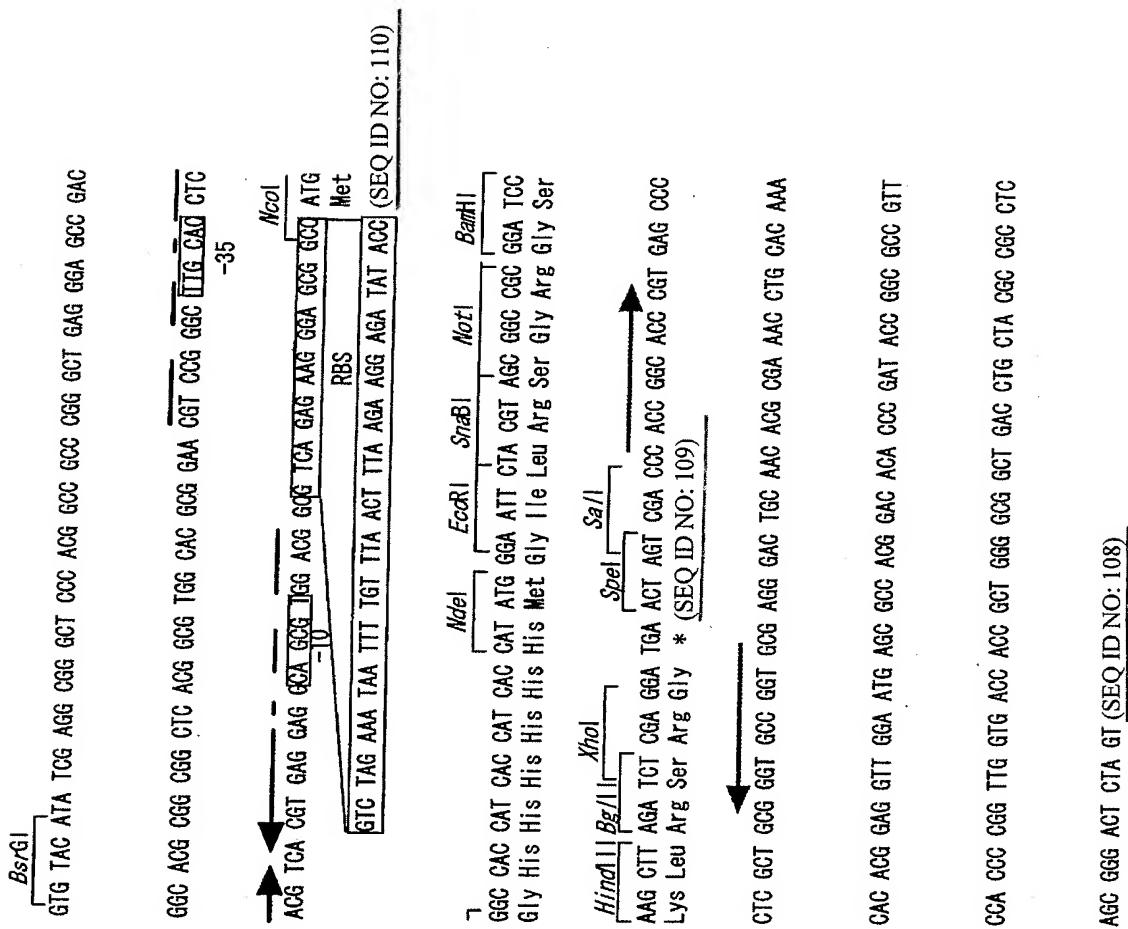
By S.A. Bent

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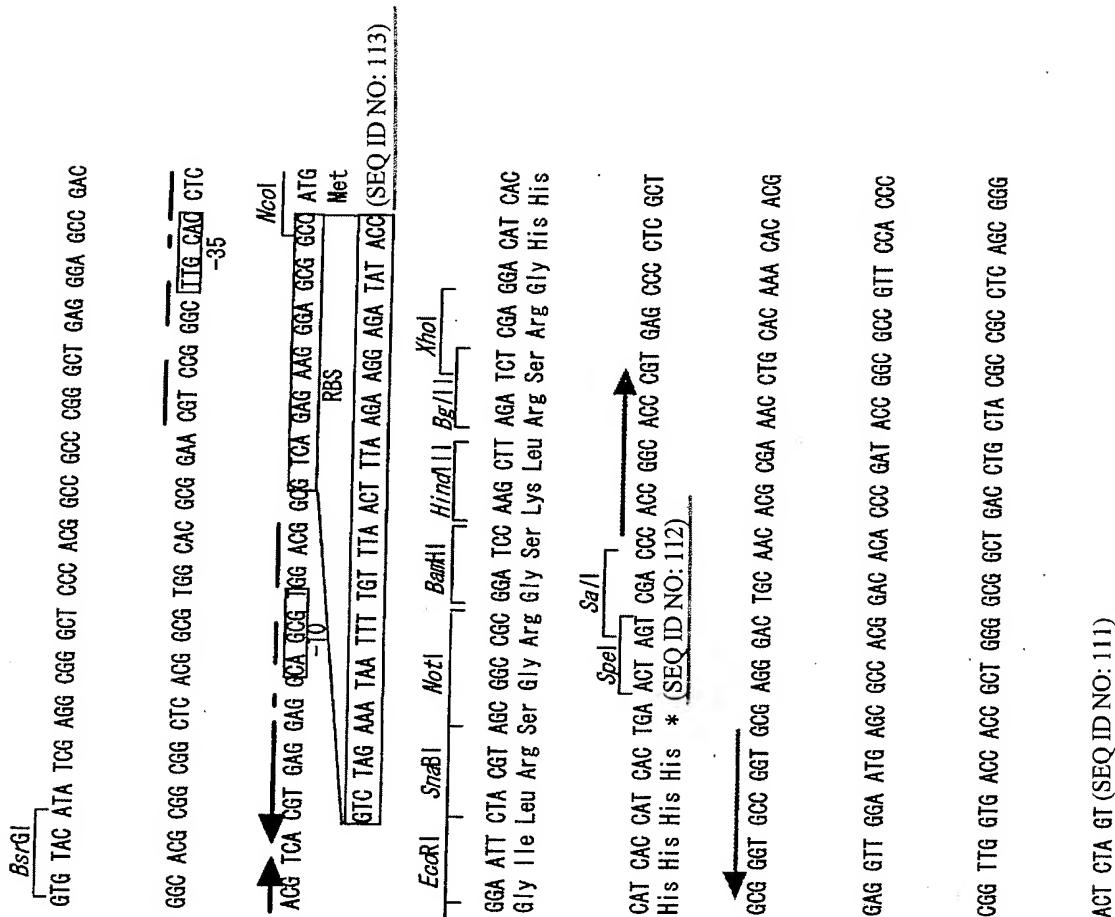
Title: PROCESS FOR PRODUCING RECOMBINANT  
 PROTEIN IN BACTERIUM BELONGING TO THE  
 GENUS RHODOCOCCUS  
 Inventor(s): Nobutaka NAKASHIMA, et al.  
 Appl. No.: 10/553,979  
 ANNOTATED DRAWING SHEET

Fig. 9b



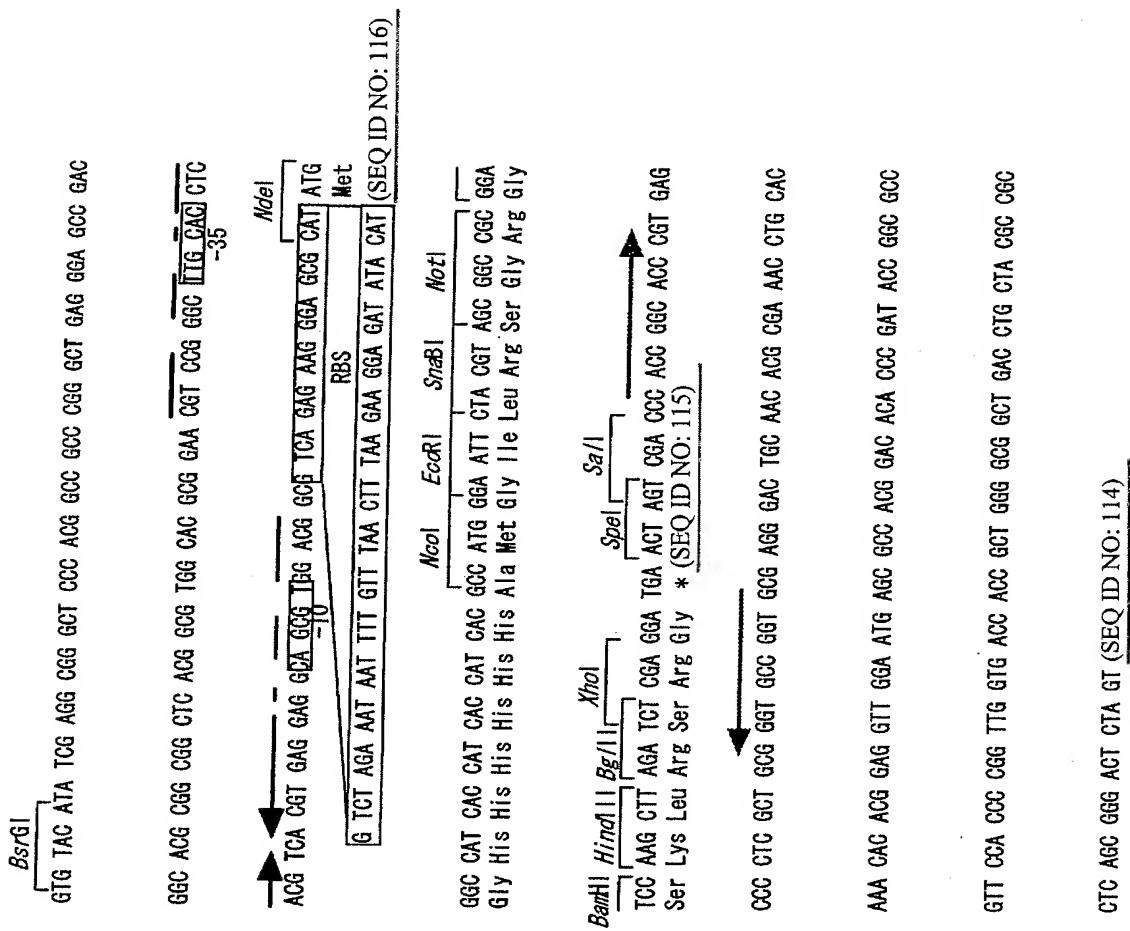
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Fig. 9c



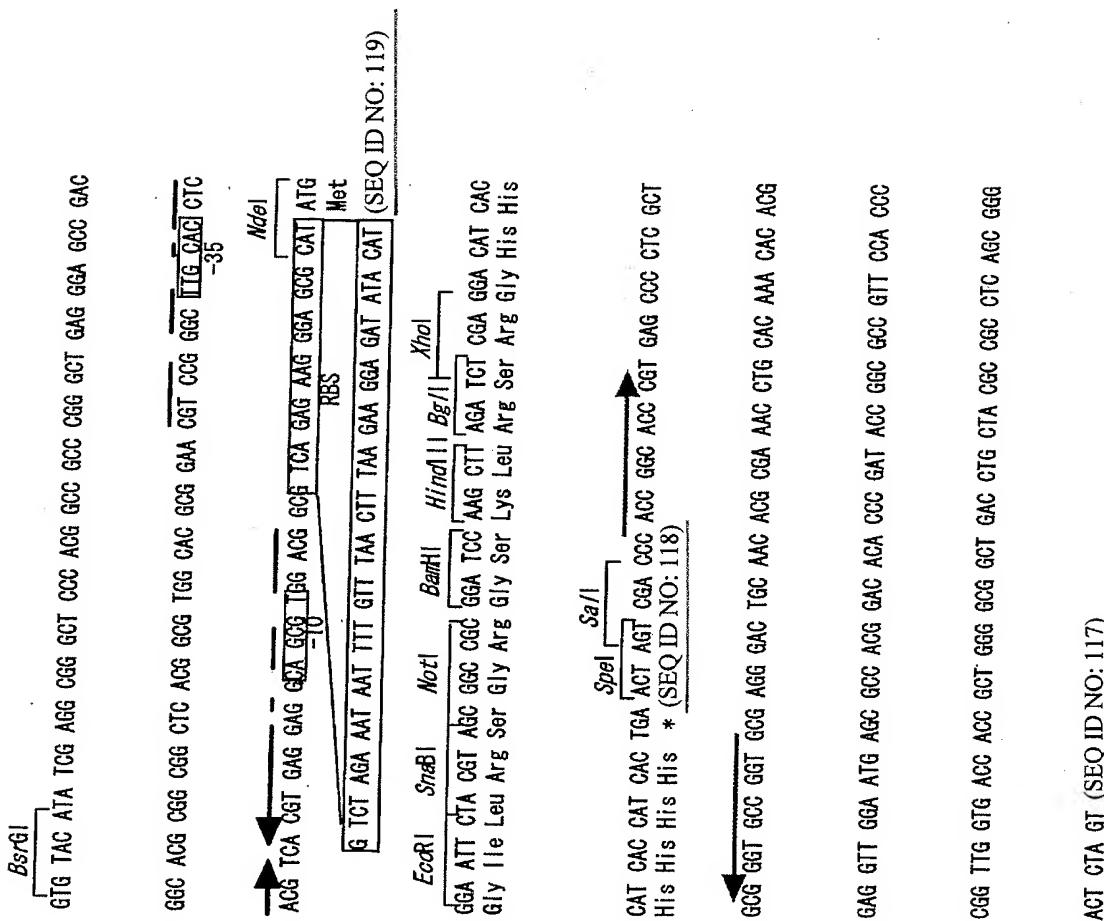
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Fig. 9d



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Fig. 9e



**Title: PROCESS FOR PRODUCING RECOMBINANT PROTEIN IN BACTERIUM BELONGING TO THE**

#### **GENUS RHODOCOCCUS**

(s): Nobutaka NAKASHIMA

Appl. No.: 10/553 870

App. No.: 10/553,979

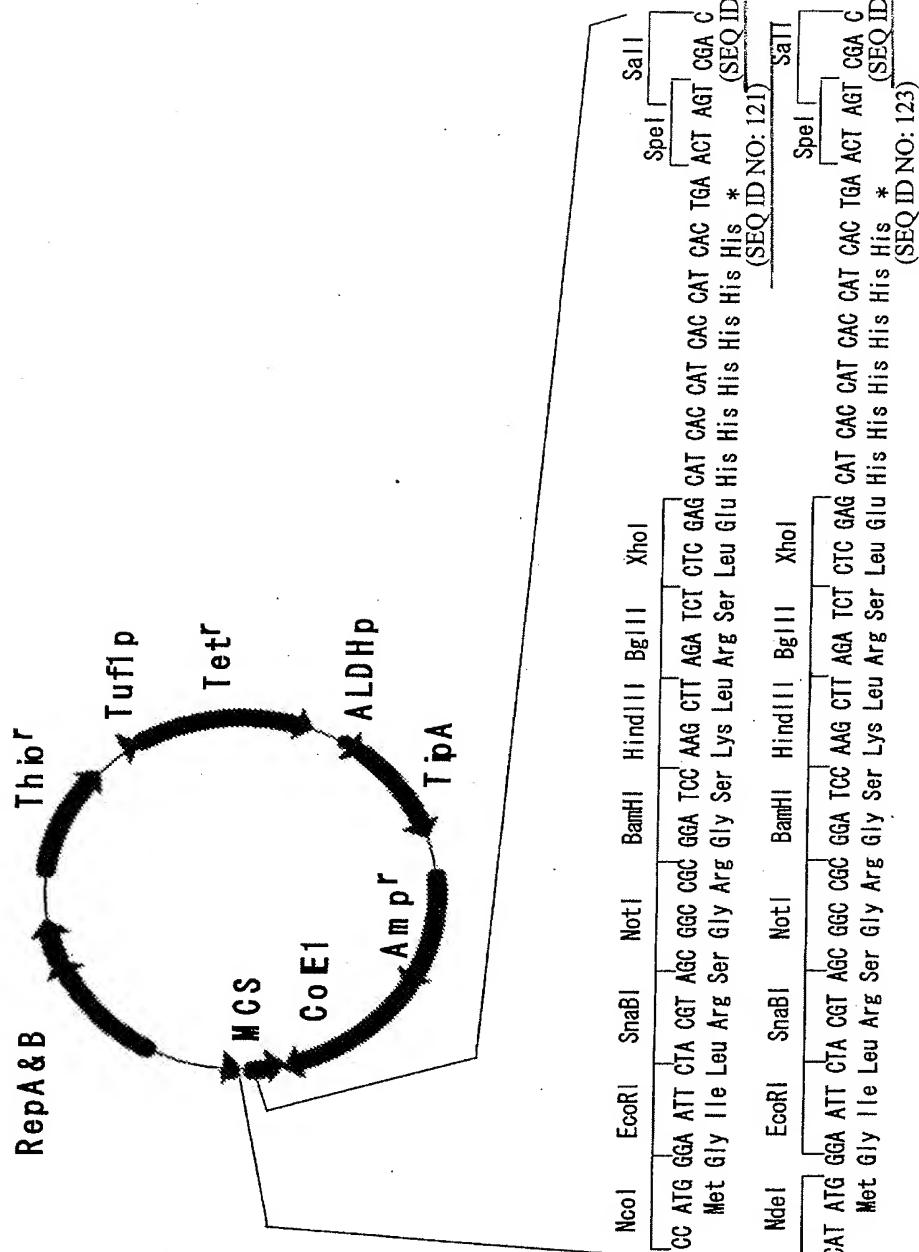


Fig. 10

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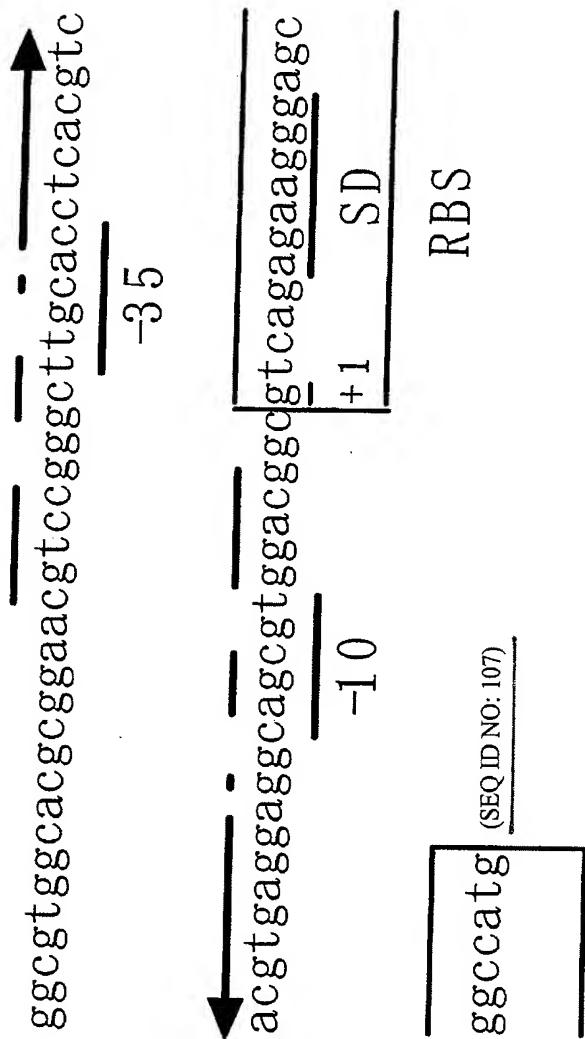


Fig. 12

(SEQ ID NO: 125)

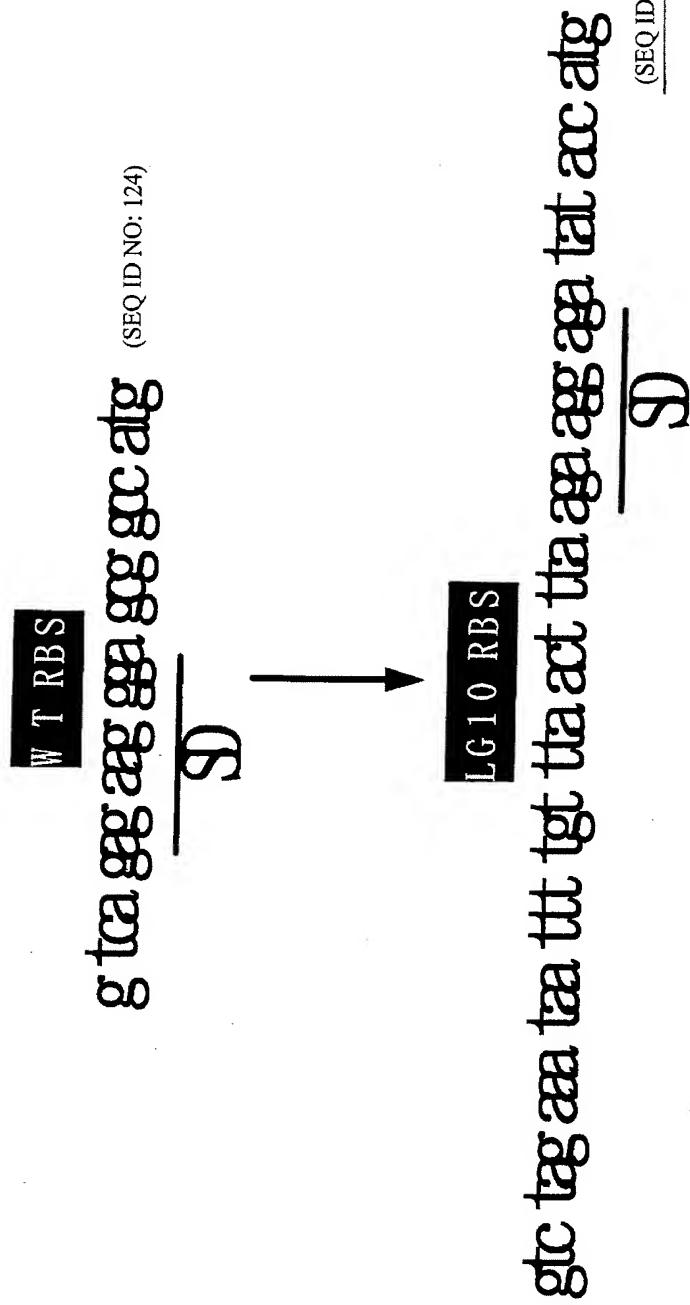


Fig. 13

Fig. 15

	Motif I	Motif II	Motif III
Consensus	GIXXGXXWCPXC	gXXXgXXvaXeXgXXnGwHXHxHxI X	I a XXXXXqX
PRE8424	68	GLRSCKGW CPCC(126) 26 MTTMTRH(127) 33 GCDGYRAVEL THK- NGWHVHVHALL (128) 53 LAATLTKI AS (130)	
PAP1	138	GHTCGSWACPV(131) 27 M TLTQRH(132) 33 GLVGYVRANEI THK- H- H- H- VERSHVL (133) 67 I GNLYSKMQT (135)	
PBL1		76 MFYGVTRH(136) 34 VEHTYSDWEVITDSWA- NGWLHRRNML (137) 54 MATYLAKGM (139)	
PJ VI	38	GLYRCGR1 WFCPEC(140) 27 LVTFITARH(141) 77 GYL GMRAAEVIRSKNGYFPHNLV(142) 80 LI FHLTKNQD (144)	
PJ 101	20	GLMRGCR1 WLCPVC(145) 27 LVTFITARH(146) 59 GYVGM RATEVTVQQ NGWEPHI HAI V(147) 69 LAHYII AKTQD (149)	
PSN22	20	GLMRGCR1 WLCPVC(150) 27 LVTFITARH(151) 59 GYVGM RATEVTVQQ NGWEPHI HAI V(152) 69 LAHYII AKTQD (154)	
	** *** . . . *** *	*** * * * :	*

### C-terminal motif

Wke v Exg XXXgr Rai XXXXr gl r

PREF8424	276	WREFEGSMGRAI AWSRGLR (130)
PAP1	365	WKEYKASEFGRAL TWSKCLR (135)
PBL1	250	WREYEYCSKNLRS- SWSRGAK (139)
PJY1	352	WAQYEEALAGRRAI EWTRGLR (144)
PIJ101	288	WEYERATRGRRAI EWTRYLR (149)
PSN22	288	WEYERATKGRRAI EWTRYLR (154)
	*	* * * * *

Numbers in parentheses indicate SEO ID NO.

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Fig. 16

PRE8424 5705 CGA~~T~~AGCAAGCC-GA-~~GCCCC~~T--~~A~~GCTGGGGAG- (SEQ ID NO: 155)  
pAP1 2378 CAG~~T~~TATGCG-G-GA- AACTT T- ~~AGCA~~ACA- - - (SEQ ID NO: 156)  
pBL1 1314 GAAATAGCA-A-C~~TGA~~- ACAC~~T~~TCTA~~GCA~~ACCGCA- - (SEQ ID NO: 157)  
pJ VI 3375 CTG~~G~~~~A~~AAAAGGGA- ~~GCCC~~T- -~~A~~GCTAAAGGGTT (SEQ ID NO: 158)  
pJJ01 1346 GAG~~G~~~~A~~AAAAGGGA- AGAC~~T~~T- - GGC~~G~~AAAGAAA- - (SEQ ID NO: 159)  
pSN2 2 7805 G~~GC~~C~~G~~~~A~~AAAAGGGA- ~~GCCC~~T- - GGC~~G~~AAAGAAA- - (SEQ ID NO: 160)

Nicking site

DSO

Fig. 17

A T G A G T •  
G C-G G-C G-A•  
C-G C-G G-C•  
T-A C-G C-G•  
C-G G C  
G-C T T  
G-T  
A-T C-G  
T-A G-C  
T-A C-G  
T-A C-G  
T-A C-G  
T-A G-C  
T-G G G  
G-C G-C G  
G-C G-C G-C A  
T-T C G C G  
C-G G-T T C  
A-T G-C T  
A-T C-G  
G-C C-G T  
T-T-A T G C  
T C G T C G  
C-G C-G C-G  
G-T T G C  
T-T T G C  
C-G A-T C-G A  
A-T T A-T G-C  
T-C G-C G-C G  
A-T G-C G-C G  
C-G C-G C-G  
C-G G-C G-C G  
C-G G-C G-C G  
C-G G-C G-C G  
T-C G-C G-C G  
A-T A-T A-T T  
C-G A-T C-G  
G-A A-T C-G  
G-C A-T C-G  
5268 T G A G-C G G G C A G A T A C A-T G C A G G T A A A-T G T G 5538 (SEQ ID NO: 161)

Fig. 19

*Ti pA-LGI0p* or *Ni t-LGI0p*

Bsr G

TG TAC ATA TCG AGG CGG GCT CCT ACG GCC CGC GAC GGA GCA GCG ACG CGG CGG CTC ACG GCG TGG CAC CGG GAA CGT CGC  
-35 TGC AGC TCA CGT GAG GAG [TA GGG] TGT ACG GGG TGT AGA AAT ATT TTT TAA CTT TAA GAA GAT ATA (SEQ ID NO: 162)

5

28/30

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